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U.S. BANKRUPTCY COURT
MARY A. SCHOTT, CLERK

1 Anthony G. Thomas
2 7725 Peavine Peak Court
3 Reno, NV 89523
4 Tel: (408) 640-2795
5 E-mail: atemerald2@gmail.com

6 Debtor In Propria Persona

7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF NEVADA - RENO**

9 IN RE:) Case No. BK-N-14-50333-BTB
10 ANTHONY THOMAS and) Case No. BK-N-14-50331-BTB
11 WENDI THOMAS) (Jointly Administered)
12 AT EMERALD, LLC) CHAPTER 7
13 Debtors.) NOTICE OF MOTION FOR JUDICIAL
14) NOTICE OF LAW & FACTS [FRE 201]
15) Date: _____
16) Time: _____
17) Dept. 2
18) Judge: Hon. Bruce T. Beesley

19 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR**
20 **ATTORNEYS OF RECORD:**

21 NOTICE IS HEREBY GIVEN that a MOTION FOR JUDICIAL NOTICE OF LAW
22 AND FACTS was filed on 3-12-2018 by Debtor Anthony G. Thomas. The Motion seeks
23 the following relief:

24 Debtor seeks that the Court take Judicial Notice of the Law & Facts in this case
25 including all of the law and facts that can be derived from the Exhibits attached to the
26 Debtor's Filing of 12-17-2018 consisting of Exhibit 1 with 12 Exhibits attached, followed
27 by Exhibit 2-8 inclusive that are necessary for a proper adjudication of the Motion to
28 Sell the Thomas Emerald in violation of the Notice Rules mandated by BK Code 363(b)
as well as BK Rules 6004 and BK Rule 2002 as noted in Exhibit 3 of the 12-17-2018
filing pp.60-74 of 189. The hearing for the sale of the Motion currently set for March
22nd 2018, must necessarily be continued in light of the filing of this Motion for Judicial
Notice of Law & Facts in this matter.

Any opposition must be filed pursuant to Local Rule 9014.

1 NOTICE IS FURTHER GIVEN that if you do not want the court to grant the relief
2 sought in the Motion, or if you want the court to consider your views on the Motion,
3 then you must file an opposition with the court, and serve a copy on the person making
4 the Motion no later than 14 days preceding the hearing date for the motion, unless an
5 exception applies (see Local Rule 9014(d)(3)).

6 The opposition must state your position, set forth all relevant facts and legal
7 authority, and be supported by affidavits or declarations that conform to Local Rule
8 9014(c).

9 If you object to the relief requested, you must file a WRITTEN response to this
10 pleading with the court. You must also serve your written response on the person who
11 sent you this notice.

12 If you do not file a written response with the court, or if you do not serve your
13 written response on the person who sent you this notice, then:

14 The court may refuse to allow you to speak at the scheduled hearing; and

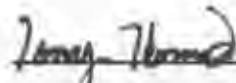
15 The court may rule against you without formally calling the matter at the hearing.

16 NOTICE IS FURTHER GIVEN that the hearing on the said Motion will be held
17 before a United States Bankruptcy Judge at the Date & Time noted in the caption
18 above.

19 This Motion is based upon this Notice, the attached Declaration of Anthony G.
20 Thomas submitted in support, and any additional paper that the Debtor shall file after
21 the filing of this Motion, including the Proposed Order for the Court identifying each item
22 of fact and law that is sought to be judicially noticed under this Motion.

23 Dated: March 7th 2019.

Respectfully submitted,

24 
25 Anthony G. Thomas -
26 Debtor In Propria Persona
27
28

Anthony G. Thomas
 7725 Peavine Peak Court
 Reno, NV 89523
 Tel: (408) 640-2795
 E-mail: atemerald2@gmail.com

Debtor In Propria Persona

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA - RENO

IN RE: ANTHONY THOMAS and WENDI THOMAS AT EMERALD, LLC Debtors.) Case No. BK-N-14-50333-BTB) Case No. BK-N-14-60442-BTB) (Jointly Administered)) CHAPTER 7) [PROPOSED] ORDER TAKING JUDICIAL) NOTICE OF LAW & FACTS)) Date: _____) Time: _____) Judge: Hon. Bruce T. Beesley) Courtroom: 2
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The Court, having reviewed Docket Entry 439 filed on 12-17-2018 Exhibits 1-8 as well as Exhibits 1-4 to the Declaration of Anthony G. Thomas filed on 3-7-2019 hereby either takes notice or does not take notice to each specific request prefaced with the letter R as follows:

Ex #	Description of Exhibits /Requests made	DE 439 Pages	Notice Taken	
			Y	N
1	App for Order Shortening Time - MTN to Con	01-09		
R1.1	Take Notice of 12-17-2018 Motion where Debtor Anthony G. Thomas claims that did not receive statutory notice pursuant to Bankruptcy Code Section 363(b) and BK Rules 6004 and 2002. Failure to provide Mr. Thomas with notice PRIOR to sale deprived Mr. Thomas of his right to object to the proposed sale under Rule 6004(b)		—	—

1		Exhibit 1 p.9 to 12-6-2018 Letter to Hartman	19		
2		Take Judicial Notice of Jennifer Jodoin's LinkedIn			
3		profile:			
4	R1.1	Title: Director of Land Acquisition at KT Urban	19	—	—
5	R1.2	Experience: KT Urban: Director of Development	19	—	—
6		Services February 2015 - Present			
7	R1.3	KT Properties Project Manager Jan. 2010-Present	19	—	—
8	R1.4	Project Manager at Tersini Construction from 2000-	19	—	—
9		2009			
10	Exh. 3	Exhibit 3 - Law of Notice - pp. 60-74 of 189			
11		Take Notice of 2016-2017 Norton Bankruptcy Code	62		
12		starting at p. 60 Rule 363(b)(1) (see p. 62) that states:			
13	R3.1	The Trustee after notice and a hearing , may use, sell	62	—	—
14		or lease other than in the ordinary course of business,			
15		property of the estate...			
16	R3.2	Bankruptcy Rules - Rule 6004 - Use, Sale or Lease	69		
17		of Property.			
18	R.3.2	(a) Notice of Proposed Use, Sale or Lease of			
19		Property			
20		Notice of a Proposed use, sale or lease or sale	69	—	—
21		of property, other than cash collateral, not in the			
22		ordinary course of business shall be given			
23		pursuant to Rule 2002(a)(2), (c)(1) (i) and (k)			
24		and, if applicable with Section 363(b)(2) of the			
25		Code			
26	R.3.3	Rule 2002(a)(2) Notices to Creditors...	71 - 72		
27		(a) Twenty One Day Notices to Parties in Interest.		—	—
28		Except as provided in subdivisions (h) (l) (l) (p)			
		and (q) the clerk , or some other person as the			
		court may direct shall give the debtor, the			
		trustee, all creditors and intenture trustees at			
		least 21 days notice by mail of:			

		(2) a proposed use, sale, or lease of property		—	—
		of the estate other than in the ordinary			
		course of business, unless the court for			
		cause shown shortens the time or directs			
		another method of giving notice.			

taken
x n

1	R4	Powell v. Alabama (1932) 287 U.S. 45, 68-69:		
2		What, then, does a hearing include? Historically and in		
3		practice, in our own country at least, it has always		
4		included the right to the aid of counsel when desired		
5		and provided by the party asserting the right. The right		
6		69*69 to be heard would be, in many cases, of little		
7		avail if it did not comprehend the right to be heard by		
8		counsel. Even the intelligent and educated layman has		
9		small and sometimes no skill in the science of law. If		
10		charged with crime, he is incapable, generally, of		
11		determining for himself whether the indictment is good		
12		or bad. He is unfamiliar with the rules of evidence. Left		
13		without the aid of counsel he may be put on trial without		
14		a proper charge, and convicted upon incompetent		
15		evidence, or evidence irrelevant to the issue or		
16		otherwise inadmissible. He lacks both the skill and		
17		knowledge adequately to prepare his defense, even		
18		though he have a perfect one. He requires the guiding		
19		hand of counsel at every step in the proceedings		
20		against him. Without it, though he be not guilty, he		
21		faces the danger of conviction because he does not		
22		know how to establish his innocence. If that be true of		
23		men of intelligence, how much more true is it of the		
24		ignorant and illiterate, or those of feeble intellect. If in		
25		any case, civil or criminal, a state or federal court		
26		were arbitrarily to refuse to hear a party by counsel,		
27		employed by and appearing for him, it reasonably		
28		may not be doubted that such a refusal would be a		
		denial of a hearing, and, therefore, of due process		
		in the constitutional sense.		
17	R5	Take Judicial Notice of 14 page Pacer	12-24	
18		Docket entries 347 Ex Parte Application		
19		to Employ Streamel filed on 10-16-2017		
20		to Docket Entry 469 filed on 3-4-2019		
21		Exhibit 1 to Declaration of Anthony		
22		G Thomas pp 12-24 that there is		
23		No docket entry showing proof of		
24		service by the clerk of the Court		
25		21 or more days before the auction		
26		of the Emerald between 10-31-2018 and		
27		11-15-2018		--

[illegible]

Judge

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